United States District Court

EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

SECURITIES AND EXCHANGE COMMISSION,	§ §	
Plaintiff,	§ §	
v.	§ §	CIVIL ACTION NO. 4:18-CV-129
AMERATEX ENERGY, INC., LEWIS OIL CORPORATION, LEWIS OIL COMPANY, THOMAS A. LEWIS, WILLIAM R. FORT, DAMON L. FOX, and BRIAN W. BUL,	80 80 80 80 80 80 80 80 80	
Defendants.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On May 22, 2018, the report of the Magistrate Judge (Dkt. #29) was entered containing proposed findings of fact and recommendations that Plaintiff Securities and Exchange Commission's (the "SEC") Unopposed Motion to Enter Agreed Partial Final Judgment against Defendant William R. Fort ("Fort") (the "Motion") (Dkt. #28) be granted. *See id*.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

The SEC filed suit on February 27, 2018 (Dkt. #1), alleging violations of the federal securities laws against Defendant Fort. The SEC alleges, among other things, that Defendant Fort made material misrepresentations and omissions and engaged in a continuous scheme to misappropriate investor

monies to enrich themselves. See generally Dkt. #1. The complaint further alleges that Defendant

Fort violated the antifraud provisions of the federal securities laws, specifically Section 17(a) of the

Securities Act of 1933 (the "Securities Act") and Section 10(b) of the Securities Exchange Act of

1934 (the "Exchange Act") and Rule 10b-5 thereunder. *Id.* at ¶¶ 3-4.

The SEC has reached a settlement with Defendant Fort (see Dkt. #28), and Defendant Fort

has executed a consent (the "Consent") (Dkt. #28-1) representing that he: (1) was served with a

summons and the complaint in this action; (2) enters a general appearance; (3) admits this Court's

jurisdiction over him and the subject matter of this action; and (4) consents to the entry of final

judgment without admitting or denying the allegations in the complaint (except as to jurisdiction and

as otherwise provided in paragraph 12 of the Consent). See id. The Consent also represents that

Defendant Fort consents to the entry of final judgment as set forth in the Consent (Dkt. #28-1) and in

the proposed final judgment (Dkt. #28-2) submitted with the Motion. As set forth in the Motion (Dkt.

#28) and its accompanying attachments, the SEC moves, under Federal Rule of Civil Procedure 54(b),

for entry of final judgment and permanent injunctions against Defendant Fort. Among other things,

the proposed final judgment seeks the issuance of permanent injunctions against the Defendant Fort.

See id.

Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREED that the SEC's

Unopposed Motion to Enter Agreed Partial Judgment against Defendant Fort (Dkt. #28), as set forth

in the Consent (Dkt. #28-1) and the proposed final judgment (Dkt. #28-2), is **GRANTED**.

IT IS SO ORDERED.

SIGNED this 28th day of August, 2018.

AMOS L. MAZZANT

UNITED STATES DISTRICT JUDGE

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